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SECRETARY OF STATE
WEST VIRGINIA

SB 480

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 480

(By Senator Nessler, et al)

PASSED March 11, 2006

In Effect from Passage

FILED

2006 APR -5 P 3: 10

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 480

(BY SENATORS KESSLER, DEMPSEY, FANNING, FOSTER,
HUNTER, JENKINS, MINARD, OLIVERIO, WHITE, CARUTH,
DEEM, LANHAM AND WEEKS)

[Passed March 11, 2006; in effect from passage.]

AN ACT to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of time to pay costs of criminal proceedings.

Be it enacted by the Legislature of West Virginia:

That §50-3-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-2. Costs in criminal proceedings.

- 1 (a) In each criminal case before a magistrate court in
- 2 which the defendant is convicted, whether by plea or at
- 3 trial, there is imposed, in addition to other costs, fines,
- 4 forfeitures or penalties as may be allowed by law: (1)
- 5 Costs in the amount of sixty dollars, of which five dollars

6 of that amount shall be deposited in the Courthouse
7 Facilities Improvement Fund created by section six, article
8 twenty-six, chapter twenty-nine of this code; (2) an
9 amount equal to the one-day per diem provided for in
10 subsection (h), section ten, article twenty, chapter thirty-
11 one of this code; and (3) costs in the amount of thirty
12 dollars to be deposited in the Regional Jail Operations
13 Partial Reimbursement Fund created by section ten-b of
14 said article. A magistrate may not collect costs in ad-
15 vance. Notwithstanding any other provision of this code,
16 a person liable for fines and court costs in a criminal
17 proceeding in which the defendant is confined in a jail or
18 prison and not participating in a work release program
19 shall not be held liable for the fines and court costs until
20 one hundred eighty days after completion of the term in
21 jail or prison. A magistrate court shall deposit five dollars
22 from each of the criminal proceedings fees collected
23 pursuant to this section in the Court Security Fund created
24 in section fourteen, article three, chapter fifty-one of this
25 code. A magistrate court shall, on or before the tenth day
26 of the month following the month in which the fees
27 imposed in this section were collected, remit an amount
28 equal to the one-day per diem provided for in subsection
29 (h), section ten, article twenty, chapter thirty-one of this
30 code from each of the criminal proceedings in which the
31 fees specified in this section were collected to the magis-
32 trate court clerk, or if there is no magistrate court clerk to
33 the clerk of the circuit, together with information as may
34 be required by the rules of the Supreme Court of Appeals
35 and the rules of the Office of Chief Inspector. These
36 moneys are paid to the sheriff who shall distribute the
37 moneys solely in accordance with the provisions of section
38 fifteen, article five, chapter seven of this code. Amend-
39 ments made to this section during the regular session of
40 the Legislature, two thousand one, are effective after the
41 thirtieth day of June, two thousand one.

42 (b) A magistrate shall assess costs in the amount of two
43 dollars and fifty cents for issuing a sheep warrant and the

44 appointment and swearing appraisers and docketing the
45 proceedings.

46 (c) In each criminal case which must be tried by the
47 circuit court but in which a magistrate renders some
48 service, costs in the amount of ten dollars shall be imposed
49 by the magistrate court and is certified to the clerk of the
50 circuit court in accordance with the provisions of section
51 six, article five, chapter sixty-two of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Candy White
.....
Chairman Senate Committee

R. Brown
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Daniel E. Hobbes
.....
Clerk of the Senate

Bruce D. Seal
.....
Clerk of the House of Delegates

Carl Roy Franklin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *2th*
Day of *April*, 2006.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 27 2006

Time 9:10 am